

## AMENDMENTS TO THE CLAIMS:

Claim 1 (original): A method of inhibiting cationic amino acid transport comprising the step of administering to a human or a non-human mammal an effective dose of an antisense oligonucleotide directed against CAT2 mRNA.

Claim 2 (original): The method of claim 1, wherein said antisense oligonucleotide has the nucleotide sequence: GTAGGCTGAAACCCTGTCCTTGC (SEQ ID No. 2).

Claim 3 (canceled).

Claim 4 (currently amended): A method of inhibiting the production of nitric oxide in an individual in need of such treatment comprising the step of administering to said individual an effective dose of ~~the~~ a pharmaceutical composition comprising an antisense oligonucleotide directed against CAT2 mRNA and a physiologically acceptable carrier of claim 3.

Claim 5 (currently amended): A method of treating a pathophysiological state in an individual wherein said state is

characterized by production of an undesirable level of nitric oxide, comprising the step of administering to said individual an effective dose of ~~the~~ a pharmaceutical composition comprising an antisense oligonucleotide directed against CAT2 mRNA and a physiologically acceptable carrier of claim 3.

Claim 6 (original): The method of claim 5, wherein said pathophysiological state is selected from the group consisting of sepsis, neoplastic disease, autoimmune diseases, cachexia, cerebral malaria, cardiovascular disease, cerebrovascular disease and capillary leak syndrome.

Claim 7 (original): The method of claim 6, wherein said autoimmune disease is selected from the group consisting of systemic lupus erythematosus, rheumatoid arthritis and multiple sclerosis.

Claim 8 (original): The method of claim 6 wherein said neoplastic disease is selected from the group consisting of breast cancer and lung cancer.

Claim 9 (currently amended): A method of treating breast cancer in an individual in need of such treatment, comprising the step of administering to said individual an effective dose of ~~the a~~ pharmaceutical composition comprising an antisense oligonucleotide directed against CAT2 mRNA and a physiologically acceptable carrier of claim 3.

Claims 10-20 (canceled).

Claim 21 (new): The method of claim 4, wherein said antisense oligonucleotide has the nucleotide sequence: GTAGGCTGAAACCCTGTCCTTGC (SEQ ID No. 2).

Claim 22 (new): The method of claim 5, wherein said antisense oligonucleotide has the nucleotide sequence: GTAGGCTGAAACCCTGTCCTTGC (SEQ ID No. 2).

Claim 23 (new): The method of claim 9, wherein said antisense oligonucleotide has the nucleotide sequence: GTAGGCTGAAACCCTGTCCTTGC (SEQ ID No. 2).

## REMARKS

### Status of the claims

Claims 1-9 and 16-17 are pending. The rejection of claims 1-9 and 16 under 35 U.S.C. 112, first paragraph as being based on a non-enabling disclosure was reversed by The Board of Patent Appeals and Interferences. The rejection of claims 3 and 16-17 under 35 U.S.C. 102(b) was affirmed. Claims 3, 10-20 are canceled. Claims 4-5 and 9 are amended herein. New claims 21-23 are added. No new matter is added.

### Claim amendments

The BPAI in its decision, mailed September 4, 2003, reversed the rejections of claims 1-9 and 16 as being non-enabled under 35 U.S.C. 112, first paragraph. However, the Board affirmed the rejection of claims 3 and 16-17, drawn to an antisense oligonucleotide directed against CAT2 mRNA and a pharmaceutical composition thereof, as being anticipated. Method claims 4-9 depend from rejected claim 3 where the methods recited use the pharmaceutical composition of claim 3.

Applicants have amended claims 4-5 and 9 as independent claims to incorporate the limitations of rejected claim 3. Furthermore, Applicant has added new claims 21-23, drawn to the antisense oligonucleotide having SEQ ID NO: 2, as recited in claim 17. Applicant has canceled claims 3 and 16-17. No new matter was added in any claim amendment.

The 35 U.S.C. §102(b) rejection

As affirmed, claims 3 and 16-17 are rejected under 35 U.S.C. 102(b) as being anticipated by **MacLeod** (U.S. 5,866,123). Applicant respectfully traverses this rejection.

Applicant has canceled claims 3 and 16-17. Accordingly, Applicant respectfully requests that the rejection of claims 3 and 16-17 under 35 U.S.C. §102(b) be withdrawn.

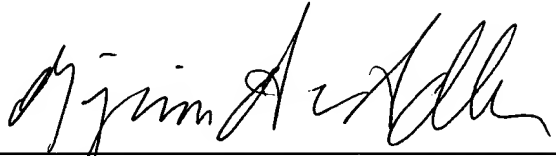
This is intended to be a complete response to the Decision on Appeal mailed September 4, 2003. If any issues remain outstanding, the Examiner is respectfully requested to telephone the undersigned attorney of record for immediate resolution. Applicants believe that no fees are due, however, should this be in

error, please debit Deposit Account No. 07-1185 on which the undersigned is allowed to draw.

Respectfully submitted,

Date: \_\_\_\_\_

Sept 19, 2003

A handwritten signature in black ink, appearing to read "Benjamin Adler", written over a horizontal line.

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